



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,725	12/02/2003	Terry Swanson		3085

7590 12/20/2004

Law Offices Of Adam H. Jacobs  
Suite 726  
1904 Farnam Street  
Omaha, NE 68102

EXAMINER
----------

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,725

Applicant(s)

SWANSON ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of an outer toroidal bearing jacket in claims 1, 4, 6-7 must be shown or the feature(s) canceled from the claim(s). The drawings simply show a circular bearing jacket. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 7, the phrase "a wheel" is confusing as it is unclear how it relates to previously recited an improved shopping cart wheel or a wheel above. The recitation of those two wheel structures in addition to a third recitation of a wheel renders the claim indefinite in scope.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoerle (US 2,022,348).

Claims 1-2, 6-7

Hoerle discloses an improved shopping cart wheel comprising a wheel hub (12, 13) supporting a wheel thereon and having a central axial opening having inner and outer sides;

Art Unit: 3617

a first precision bearing unit (16) having a rotating cylindrical central hub (18), an outer toroidal bearing jacket surrounding said central hub and a plurality of ball bearings rotatably mounted within said outer toroidal bearing jacket and rotatably supporting said rotating central hub therebetween as seen in figs. 1-3;

a second precision bearing unit (21) having a rotating cylindrical central hub (19), an outer toroidal bearing jacket surrounding said central hub and a plurality of ball bearings rotatably mounted within said outer toroidal bearing jacket rotatably supporting said rotating central hub therebetween;

said first and second precision bearing units mounted within said central axial opening of said wheel said first precision bearing unit adjacent one end of said central axial opening and said second precision bearing unit adjacent the opposite end of said central axial opening; and said central hub (18) of said first precision bearing unit contacting said central hub (19) of said second precision bearing unit in generally coaxial alignment within said central axial opening as shown in fig. 3 such that said improved shopping cart wheel will withstand greater side load forces and have increased weight-carrying capacity.

A generally cylindrical metal spanner (27) mounted within said central axial opening and extending between and connecting said rotating central hubs of said first and second precision bearing units such that the structural strength of said improved shopping cart wheel is increased.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3617

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Denner et al (US 6,367,885).

Denner et al discloses an improved shopping cart wheel comprising a wheel hub (42) supporting a wheel thereon and having a central axial opening having inner and outer sides;

a first precision bearing unit (A) having a rotating cylindrical central hub (C), an outer toroidal bearing jacket (E) surrounding said central hub and a plurality of ball bearings rotatably mounted within said outer toroidal bearing jacket and rotatably supporting said rotating central hub therebetween as seen in figs. 3-5, see sketch;

a second precision bearing unit (B) having a rotating cylindrical central hub (D), an outer toroidal bearing jacket (E) surrounding said central hub and a plurality of ball bearings rotatably mounted within said outer toroidal bearing jacket rotatably supporting said rotating central hub therebetween;

said first and second precision bearing units mounted within said central axial opening of said wheel said first precision bearing unit adjacent one end of said central axial opening and said second precision bearing unit adjacent the opposite end of said central axial opening; and said central hub of said first precision bearing unit contacting said central hub of said second precision bearing unit in generally coaxial alignment within said central axial opening as shown in figs. 3-4 such that said improved shopping

Art Unit: 3617

cart wheel will withstand greater side load forces and have increased weight-carrying capacity.

a generally cylindrical metal spanner (62) mounted within said central axial opening and extending between and connecting said rotating central hubs of said first and second precision bearing units such that the structural strength of said improved shopping cart wheel is increased.

The central opening of the wheel hub further comprising a cross-sectional step configuration wherein the outer ends of the central axial opening are of greater diameter than the inner connecting section of the central axial opening such that the first and second precision bearing units fits snugly and securely into the central axial opening thereby minimizing wobble motion of the improved shopping cart wheel when it is mounted on a shopping cart in accordance with claim 3.

The outer toroidal bearing jackets (E) of said first and second precision bearing units are each generally square U-shaped in cross section to provide a channel in which rotatably reside said plurality of ball bearings which respectively rotatably support said central hubs of said first and second precision bearing units therebetween in accordance with claim 4.

The first and second precision bearing units are each sealed to generally prevent incursion of foreign objects into said first and second precision bearing units and the need for lubrication of said first and second precision bearing units is generally eliminated in accordance with claim 5.

### ***Conclusion***

Art Unit: 3617

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hoerle, McClure, Norman, and Okun are cited to show related in-line skate wheel comprising wheel bearings surrounding a central hub.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**





Art Unit: 3617

December 15, 2004

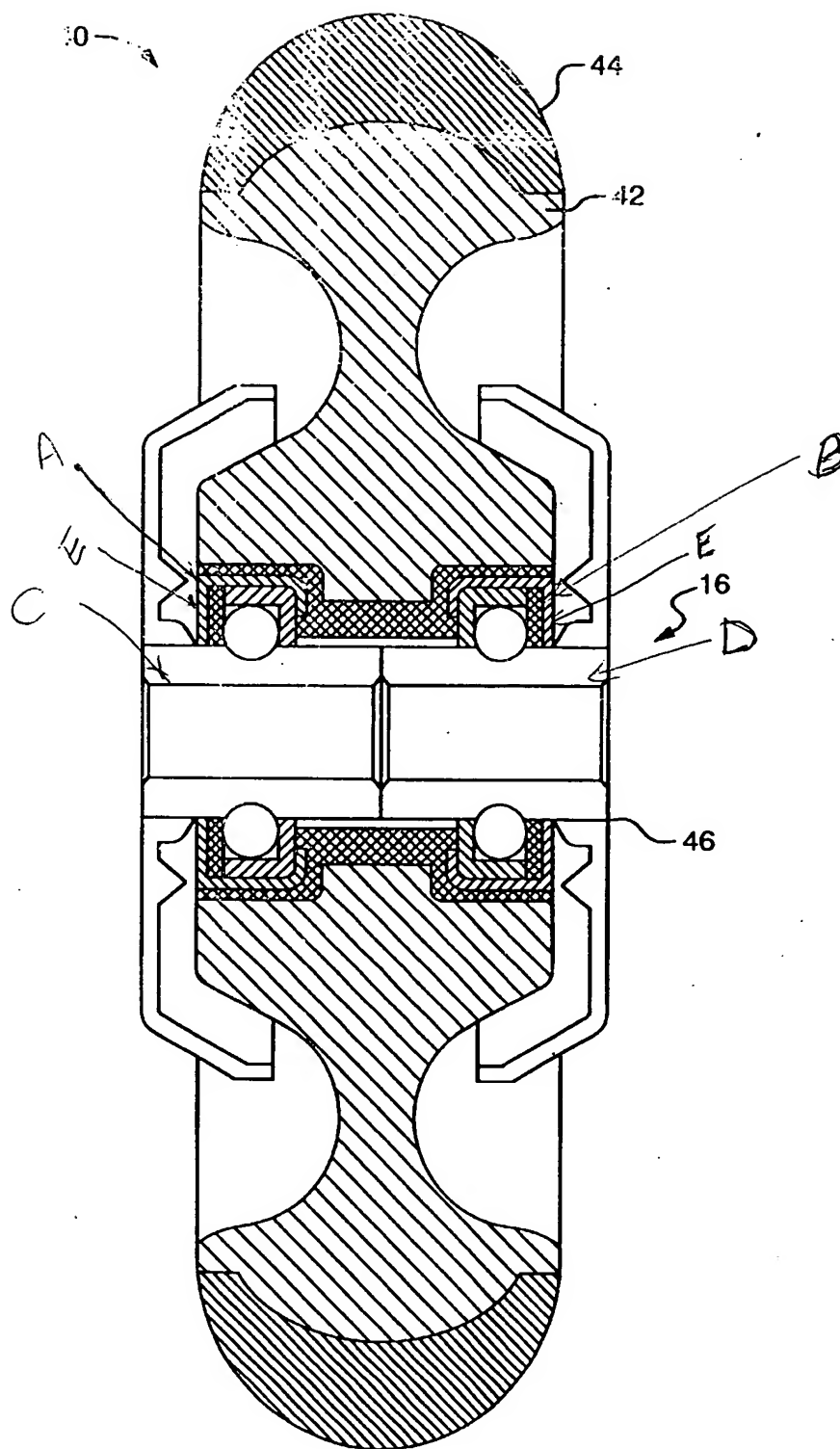


FIG. 3